Employment Law and Domestic Violence: A Practitioner's Guide

What Will I Learn From This Guide?
This guide is for attorneys working in a range of settings, including those representing employees and employers in the public and private sectors, those representing unions, and those representing victims of domestic violence. It defines domestic violence and provides information about the effect of domestic violence upon the workplace. It describes some of the ways in which employers have addressed the effect of domestic violence in their workplaces. The final sections of this guide review the most common applications of state and federal employment laws to situations involving employees who are victims of domestic violence.

It is our hope that as a result of reviewing this guide, you will be better able to:

➤ Recognize domestic violence issues among your existing employment law cases;

➤ Identify the key civil legal remedies and other issues that you will need to explore in order to effectively assist victims with employment law concerns; and

➤ Identify and use other resources to pursue specific legal remedies and secure social services and other benefits for your clients.

As An Employment Lawyer Why Should I Learn About Domestic Violence?
Domestic and sexual violence long have existed in our homes and our communities. However, the U.S. legal system only recently has begun to address the broad impact of these crimes on all aspects of victims' lives—including their work lives. Beginning in the mid-1990s, studies of victims' work experiences have helped shape our understanding of the employment-related effects of domestic violence, sexual assault, and stalking. Over the last ten years, much local, state, and federal legislation has been introduced and enacted to address the effect of this problem on employees who are victims and on their workplaces. There has also been a dramatic increase in education about and awareness of the impact of domestic violence on the workplace and in the development of workplace policies by employers and unions. In some cases, current or former employees who were victims of domestic violence have brought suit against their employers.

Domestic violence is a pattern of behavior in which one intimate partner uses physical violence and/or sexual or economic abuse to control the other partner in the relationship. It is not defined by physical acts alone; it includes conduct and patterns of behavior such as threats, intimidation, isolation, and other coercive and controlling acts. In all forms, domestic violence affects families, communities, and workplaces. It knows no economic, racial, ethnic, religious, age, gender, sexual orientation, or gender identity limits. The reach of domestic violence in the U.S. is epidemic. Studies consistently show that one in four women will be a victim of domestic violence.

Throughout this publication, the terms "victim" and "survivor" are used interchangeably to refer to victims of domestic violence. Sexual assault and stalking are distinct crimes but frequently occur in conjunction with domestic violence. Thus, we address them collectively in this publication.